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United States Patent and Trademark Office on

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Name of Applicant, assignee or
Registered Representative


Signature

Our File No. 09799940-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andrey V. Zagrebelny, et al.

Serial No. 09/944,234

Filing Date: August 31, 2001

For CMP PROCESS

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) Examiner Hsien Ming Lee

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) Group Art Unit No. 2823
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RESTRICTION RESPONSE

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Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Official Action of September 12, 2002, Applicants elect, with
traverse, Group I, Claims 1-18 and 24-26.

Restriction Response

The Office has restricted the present application as follows:

Group I -- Claims 1-18 and 24-26, drawn to a method; and

Group II -- Claims 19-23, drawn to an apparatus.

Applicants elect, with traverse, Group I, Claims 1-18 and 24-26.

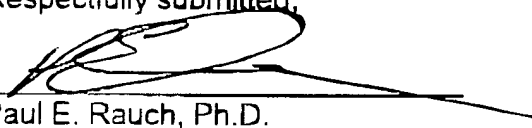
Restriction is only proper if the identified groups are independent or distinct. The
burden is on the Office to provide reasons and/or examples to support its conclusion
that the identified groups are independent or distinct. M.P.E.P. § 803.

Serial No. 09/944,234

The Office has characterized the relationship between Groups I and II as process and apparatus for its practice. Citing M.P.E.P. § 806.05(e), the Office has stated that "[i]n this case the process as claimed can be practiced by another materially different apparatus that does not require the claimed embedded code in a machine readable medium for determining polishing time." However, the Office has failed to describe or point out what this materially different apparatus is, nor has the Office explained how this other apparatus is materially different from the apparatus as claimed. Accordingly, Applicants submit that the Office has not met the burden necessary in order to sustain the Restriction Requirement. Withdrawal of this ground of rejection is respectfully requested.

Applicants submit the application is now ready for examination on the merits. Early notice of such action is respectfully requested.

Respectfully submitted,


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